IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7723 OF 2005

Shri Parsu Vaiji Gunjagi ..Petitioner

Vs.

The Deputy Director and Chairman Scrutiny Committee Tribes and Research and Training Institute and ors. ..Respondents

WITH

WRIT PETITION NO. 7724 OF 2005

Shri Baswant Mallappa Patil ..Petitioner

Vs.

The Deputy Director & Chairman Scrutiny Committee Tribes and Research and Training Institute and ors. ..Respiondents

Mr. Y.S. Jahagirdar, Senior Counsel with Mr.K.H. Chopra for petitioners.
Mr. C.R. Sonawane, AGP for respondents.

CORAM: B.H. MARLAPALLE & NARESH H. PATIL,JJ.

Date : September 11, 2006.

P.C.:

1. Heard Mr. Jahagirdar the learned Senior Counsel with Mr. Chopra for the petitioners and Mr. Sonawane, the learned AGP for the respondents.

2. Both these petitions raised a similar grievance emanating from the order passed by this court on 27/6/2003 by which Writ Petition Nos.6357 and 6356 of 2002 filed by the petitioners respectively came to be decided.

3. After hearing the learned Senior Counsel for the petitioners and the learned AGP, we are satisfied that the impugned order passed by the Scrutiny Committee rejecting the caste claim of both the petitioners are not in compliance of the directions set out in the order dated 27/6/2003. While remanding the caste claim scrutiny to the Committee, this court had clearly directed to issue notices to the concerned schools so as to submit the admission register that is maintained, before the Scrutiny Committee and the Scrutiny Committee could examine the school clerk or the Head Master for deciding the authenticity of these entries, namely, "Mahadeo" either below or above the original entry in the school registers. We are also of the view that the Committee may examine the Sarpanch as well as the Police Patil of the concerned village i.e. village Chinchane in Taluka Chandgad, Dist. Kolhapur.

4. We, therefore, disposed off these petitions by remanding the caste claim of both the petitioners for fresh consideration. The Scrutiny Committee shall issue notices to the concerned school Head Master so as to produce the school registers i.e. admission as well as the general register and also examine the school witness. The Committee shall also issue witness summons to the village Police Patil and the Sarpanch of Chinchane village so that their evidence is recorded. The verification proceedings, on remand, shall be completed as expeditiously as possible and in any case before 31st January 2007. The petitioners shall appear before the Scrutiny Committee on 25/9/2006 at 11 a.m. and will collect the notices to be issued to the Head Master of the schools, Police Patil and the Sarpanch.

5. Writ to go forthwith to all the concerned.

(Naresh H. Patil, J.) **(B.H. Marlapalle,J.)**